



Order Filed on December 22, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

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Formed in the State of Florida

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*Attorney for Nissan Motor Acceptance
Corporation*

In re:

Terry A. Desande

Linda A. Desande

Debtors.

Chapter: 13

Case No.: 19-13805-CMG

Hearing Date: December 16, 2020

Judge Christine M. Gravelle

**CONSENT ORDER RESOLVING MOTION TO
VACATE AUTOMATIC STAY AND CO-DEBTOR STAY**

The relief set forth on the following pages is hereby **ORDERED**.

DATED: December 22, 2020

A handwritten signature in black ink, reading "Christine M. Gravelle".

Honorable Christine M. Gravelle
United States Bankruptcy Judge

Debtor: Linda A. DeSande and Terry A. DeSande
Case No.: 19-13805-CMG
Caption of Order: **CONSENT ORDER RESOLVING MOTION TO VACATE
AUTOMATIC STAY AND CO-DEBTOR STAY**

THIS MATTER having been opened to the Court upon the Motion to Vacate the Automatic Stay and Co-Debtor Stay (“Motion”) filed by Nissan Motor Acceptance Corporation (“Creditor”), whereas the post-petition arrearage amount was \$4,440.84 as of December 16, 2020 and whereas the Debtors and Creditor seek to resolve the Motion, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **2018 Nissan Rogue; VIN: 5N1AT2MV5JC715171** (“vehicle”) provided that the Debtors comply with the following:

- a. On or before December 31, 2020, the Debtors shall cure the post-petition arrearage by tendering a lump sum payment of \$2,940.84 directly to Creditor; and
- b. In addition to the above payment, the Debtors shall pay the remaining arrearage amount, namely \$1,500.00, directly to Creditor, as well as the January 14, 2021 payment on or before January 14, 2021.

2. Upon the maturity of the underlying lease on January 14, 2020, the automatic stay under section 362 of the Bankruptcy Code and the co-debtor stay under section 1301 of the Bankruptcy Code shall be deemed terminated as to Creditor’s interest in the Vehicle.

3. All payments due hereunder shall be sent directly to Creditor at the following address: **Nissan Motor Acceptance Corporation, P.O. Box 660366, Dallas, Texas 75266-0366.**

4. The Debtors will be in default under the Consent Order in the event that the Debtors fail to comply with the payment terms and conditions set forth in above Paragraphs.

5. If the Debtors fail to cure the default within thirty (30) days from the date of default, Creditor may submit a Certificate of Default to the Court on fourteen (14) days’ notice to counsel

for Debtors and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. § 362(a), if not already terminated as stated above, and permitting Creditor to exercise any rights under the loan documents with respect to the Vehicle.

6. Creditor is awarded reimbursement of attorney fees and costs in the amount of \$250.00 and \$181.00, respectfully to be paid through the Chapter 13 Plan.

STIPULATED AND AGREED:

/s/ Eugene D. Roth

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